DOCUMENT RESUME

ED 446 622 HE 033 465

TITLE	Distance Education. Suggestions and Guidelines: Sample Language for Institutional Policies and Contract Language.
INSTITUTION	American Association of Univ. Professors, Washington, DC.
PUB DATE	2000-00-00
NOTE	8p.
AVAILABLE FROM	AAUP Publications, 1012 14th St., N.W., Suite 500, Washington, DC 20005. Tel: 800-424-2973 (Toll Free); Fax: 202-737-5526. For full text: http://www.aaup.org/deguide.htm.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Administrative Policy; College Faculty; *Contracts; *Distance Education; Higher Education; Legal Responsibility; *Policy Formation; *Universities

ABSTRACT

This document provides suggestions and sample language for university distance education policies and contracts. The sample language was taken from a review of existing policies, contracts, and American Association of University Professors (AAUP) policy statements. The policy issue is presented in a Roman font, with suggested language presented in italic font. The document addresses: (1) general definitions; (2) academic freedom; (3) working conditions; (4) workload, including compensation, appointment, and evaluation; (5) technical support; (6) intellectual property; and (7) miscellaneous. (EV)

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American Association of University Professors
Special Committee on Distance Education and Intellectual Property Issues

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Suggestions and Guidelines
Sample Language for Institutional Policies and Contract Language

Distance Education

While proponents and opponents debate the implementation and effectiveness of distance education, colleges and universities across the country continue to implement programs utilizing broadcast and computer technology. In several recent documents, AAUP has addressed the issue, recognizing that the existence of distance education is not a future possibility, but a current reality where growth potential is virtually unlimited.

Although the Association accepts the reality of distance education programs, it continues to affirm the responsibility of faculty to play a significant or meaningful role in determining the appropriate implementation of these programs. In 1999, the AAUP adopted the *Statement on Distance Education*, which asserts the fundamental principle that:

> As with all other curricular matters, the faculty should have primary responsibility for determining the policies and practices of the institution in regard to distance education. The rules governing distance education and its technologies should be approved by vote of the faculty concerned or of a representative faculty body, officially adopted by the appropriate authority, and published and distributed to all concerned.

Policies or contract language governing distance education programs, need to be developed within the context of the overall purposes of colleges and universities: "to preserve, augment, and transmit knowledge and to foster the abilities of students to learn." [*Statement on Distance Education*] Whether within collective bargaining contracts or through some other understanding such as policies adopted through the faculty governance process, faculties need appropriate guidance and protection. The following sample language was taken from a review of existing policies, contracts, and AAUP policy statements, and may be modified to fit varied circumstances. (Note on presentation: In the following discussion, the issue is presented in a Roman font, with suggested language presented in an *Italic font.*)

MATTERS TO ADDRESS IN DISTANCE EDUCATION POLICY & CONTRACT LANGUAGE

- General Definitions
- Academic Freedom
- Working Conditions
- Workload; including Compensation, Appointment & Evaluation
- Technical Support
- Intellectual Property
- Miscellaneous

GENERAL

Be sure to refer to all types of technology and incorporate all non-traditional media. Make your language broad so that it will not be out of date as technology changes.

> *The Parties recognize that advances in technology, as they relate to this collective bargaining agreement (policy), may allow for the development of technologically innovative methods of instruction. The terms "Distance Education" or "Distance Learning" as used herein refer to instruction where the teacher and the student are separated geographically so that facetoface communication is absent; communication is accomplished instead by one or more technological media. This communication consists of live or recorded visual presentations and material using direct signal or cable, transmission by telephone line, fiber-optic line, digital and/or analog videotape, audiotape, CDROM, computer or internet technology, email or other electronic means, now known or hereafter developed, utilized to teach any course originating from or sponsored by X institution. "Course" refers to any class offered for credit or otherwise required for a degree.*

ACADEMIC FREEDOM

Academic freedom applies to both distance education and traditional classroom instruction.

> *Faculty members engaged in distance education shall have academic freedom as teachers and researchers in full accordance with the provisions of the 1940* Statement of Principles on Academic Freedom and Tenure, *including "freedom in the classroom in discussing their subject" and "full freedom in research and in the publication of the results."*
>
> *Methods of presentation and course materials are to be under the control of the faculty member assigned to develop and/or teach the distance education course. Oversight by the faculty member's colleagues within the department or program shall be subject to the usual norms and responsibilities of supervision and oversight associated with the functions of the department.*

Selection of Materials

> *Individual faculty members should have the same responsibility for selecting and presenting materials in courses offered through distanceeducation technologies that they have in those offered in traditional classroom settings. For teamtaught or interdisciplinary courses and programs, the faculty involved should share this responsibility.*

Quality Control of the Curriculum

Make sure that the same procedures are used for faculty oversight in distance-education courses as in any other course.

> *Distance-education courses (or modifications thereto) shall comply with all of the standard practices, procedures, and criteria which have been established for traditional intheclassroom courses including but not limited to, faculty involvement at the level of course development and approval, selection of qualified faculty to teach the course, pedagogical determinations about appropriate class size, and oversight of all final course offerings by the appropriate faculty committee to ensure conformity with previously established traditions of course quality and relevance to programs.*

WORKING CONDITIONS

Workload/Teaching Responsibility

The time needed to develop a distance education course should be carefully considered. The Association recognizes that evidence documenting the amount of work required for distance-education courses remains largely anecdotal. Every attempt should be made to ensure that more definitive information is developed. Some campuses have held roundtables among the faculty to collect actual data on that campus. This practice has proven successful in those cases. In the absence of more definitive data, workload provisions should take into account the anecdotal evidence that distance education course development is taking two to three times as long as comparable courses taught in the traditional manner. The same evidence suggests that the investment of faculty time involved in teaching a distance education course is substantially greater than that required for a comparable traditional course. The time spent online answering student inquiries is reported as being more than double the amount of time required in interacting with students in comparable traditional classes.

Enrollment. *Determination of class size for a distance education class should be based on pedagogical considerations. Large sections should be compensated by additional credit in load assignment in the same manner as traditional classes.*

Preparation*. Faculty who teach in distance-education programs should be additionally compensated for the extra time required to prepare for their courses. This compensation should be in the form of credit toward load assignment in order to promote quality, or can be financial.*

Compensation. *Courses taught via distance education may be included as part of the faculty member's regular load, or may constitute an overload, or a combination of both. The teaching responsibilities as they relate to assignments, scheduling, syllabi, papers and tests, shall be no different from those of the corresponding traditional course sections. Grades will be issued using the normal University procedures.*

Faculty members teaching a course utilizing distance education technology for the first time shall be provided course load reductions to properly prepare the course. This reduction should be provided prior to the offering of the course, and may be supplemented with an additional reduction during the first term the course is taught. Acceptance of these reductions constitutes agreement to teach two additional sections of the course over the next three terms. However, if after the course has been taught for the first time the administration or the department deems (for academic, financial, or other reasons) that it is not viable/practicable to teach it again using the distance education format, the faculty member shall be relieved of this obligation.

Faculty members shall not be required to travel to distance education offcampus sites. If the faculty member deems it appropriate to visit an offcampus site, the faculty member will receive reimbursement for travel at the normal University rates.

In the event that the institution makes any modifications to the distance education course(s) and/or delivery systems which increase or substantially alter the faculty member's workload, the university shall be required to notify the union at least fortyfive (45) days prior to the effective date of the modifications, in order to negotiate with the union over increased compensation and workload.

Office Hours -- On-line

Discussions should occur and agreement should be reached on how the faculty member teaching a distance education course will hold office hours for the distance education students. Regular intheoffice hours may not be helpful for the students.

> *A faculty member teaching a distance education course shall conduct the normally expected total number of office hours. In order to accommodate distance education student needs, if it is deemed appropriate by the faculty member, some of the normally expected office hours may be held online to conduct business and consult with students utilizing technology.*

Teaching Appointments

From the AAUP *Statement on Distance Education*:

> *The precise terms and conditions of every appointment should be stated in writing and be in the possession of the faculty member and the institution before the faculty member is assigned to utilize distanceeducation technologies in the delivery of instructional material in a course for academic credit. No member of the faculty should be required to participate in distanceeducation courses or programs without adequate preparation and training, and without prior approval of such courses and programs by the appropriate faculty body.*

We should note that some individual chapters have negotiated agreements that make the assignment of faculty to distance-education courses voluntary, not mandatory.

Distance Education Courses Should Not Reduce the On-Campus Programs or Faculty

Care should be taken to ensure that oncampus programs are not jeopardized by distance education courses. The offerings should not reduce oncampus offerings to the point where a faculty member must teach distance-education courses to maintain a full load. Distance education should enhance not replace oncampus programs.

> *The use of distance education technology shall not be used to reduce, eliminate, or consolidate fulltime faculty positions at the college or university. There will be no reduction in the number of fulltime teaching positions as a result of distance education classes being added to the class schedule. No prerecorded form of instruction shall be employed by the institution for the purpose of replacing faculty members, in whole or in part, regardless of the technology utilized.*

Technical Assistance

The *Statement on Distance Education* points out that the "institution is responsible for the technological delivery of the course." This means that the institution shall ensure that the necessary technology and equipment is identified and in place, that the institution shall provide appropriate training for faculty members, and that the institution shall ensure that faculty members have access to adequate technical support personnel.

Available Technology and Equipment

> *Prior to distance education courses being taught, the technology and equipment needs should be identified and in place. The institution will provide the faculty member with the necessary equipment to teach the distance education course.*

Training for Teaching

Prior to distance education courses being taught, appropriate training both technical and curricular should be available to potential users. Any faculty member teaching a distance education course for the first time will receive training for which he or she will receive a one time payment. If new technologies are added, further training will be offered and the faculty member will be compensated at a hourly rate. If the necessary training is not available oncampus, the college/university shall arrange for and pay the costs of any special training required by the faculty member.

Availability of Assistance

Prior to distance education courses being taught, appropriate forms of assistance should be made available to the faculty member and the students. The institution will provide adequate support services at both the sending and receiving site for all distance education classes. Further, the institution will provide adequate security for all faculty members teaching distance education courses. Provisions will be made for clerical, technical, and library support as needed. In addition, graduate assistants and/or student employees will be made available on a priority basis to support faculty members in the delivery of distance education courses.

Assistance will be provided by the college or university, to develop study guides, teaching aids, and other course materials, and in clearing copyrights for use of material in the course.

INTELLECTUAL PROPERTY

Ownership of Materials

The materials created by faculty members for distance education courses should be treated in exactly the same fashion as materials created by faculty members for traditional courses. For further information, please see the "Suggestions and Guidelines for Ownership of Intellectual Property" document and the AAUP *Statement on Copyright*.

Changing and Updating Materials & Re-transmission of Courses

The AAUP *Statement on Distance Education* asserts that a "teacher's course presentation should not be recorded without the teacher's prior knowledge and consent. Recordings of course material are academic documents, and thus, as with other works of scholarship, should have their author or creator cited accordingly." The *Statement on Copyright* asserts faculty ownership of the copyright of traditional academic works "regardless of the physical medium" in which they appear. (Institutions may be reimbursed for the technical expenses of producing recordings of courses and presentations.)

Courses and course presentations shall not be recorded without prior knowledge and consent of the faculty member. Such recordings are not to be re-used or revised without the written consent of the faculty member.

Copyright of recordings of courses and course presentations shall be owned by the faculty member(s) as in the case of traditional course materials.

The faculty member (or an appropriate faculty body) who creates the course (or adapts a

pre-existing course) for use in distance education shall exercise control over the future use, modification, and distribution of recorded instructional material and shall determine whether the material should be revised or withdrawn from use.

Additional compenstation may be negotiated for faculty members involved in extensive revision and modifications of courses they developed.

MISCELLANEOUS

Academic Honesty

Students taking distance-education courses should be held to the same requirements of academic honesty as students taking traditional courses.

The University will ensure that safeguards have been built into the distance-education course format to require that students be held to the same standards of academic honesty as students in traditional courses.

Evaluation of Class and Faculty Member

Protections should be built into the collective bargaining agreement or the institutional policy to ensure that students have the opportunity to evaluate a course taken via distance education. There should also be safeguards to ensure that the faculty member is evaluated fairly.

The institution shall implement a process to assure that students are able to evaluate the teaching performance of faculty members who offer courses taken via the distance-education format. Distance-education equipment shall not be used to evaluate faculty performance. Faculty members participating in the distance-education program shall be evaluated in the same manner as all other faculty members in accordance with the appropriate provisions of the collective bargaining agreement or institutional policy. If any classroom observations or evaluations take place, the observer shall be in the same room as the faculty member. No outside visitor shall be allowed unless the faculty member agrees in advance to the visit.

TUITION AND FEES

Appropriate tuition and fees should be charged for a distance-education course to assure that a department or college is not losing money.

The tuition and fees charged for a distance-education course shall be set by the administration taking into consideration the added cost of this teaching format. No department or college shall incur any additional financial expenses for offering a course via the distance-education format.

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